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MINUTES OF THE

SANTA FE COUNTY

DWI PLANNING COUNCIL

September 10, 2009

Santa Fe, New Mexico



This meeting of the Santa Fe County DWI Planning Council was convened by Director Becky Beardsley in the absence of a quorum at approximately 8:55 a.m. on the above-cited date at 2052 S. Galisteo, Santa Fe, New Mexico.

The following members were present:

Members Present:

Yvonne Ortiz, Acting Chair [9:07 arrival]
Donna Morris
Sgt. Joe McLaughlin
Shelley Mann-Lev
Donna Bevacqua-Young
Jon Paul Romero

Member(s) Excused:

Allan Wheeler, Chairman
Marti Rodriguez
Sgt. Louis Carlos
Diego Lopez

Staff Present:

Becky Beardsley, Program Coordinator
Diolinda Roybal, Prevention Specialist
Christina Gomez, Prevention Specialist

Others Present:

Cpl. Bill Ritch, County Sheriff's Department
Sgt. Alan Mascareñas, Santa Fe PD
Lt. Dale Lettenberger, Santa Fe PD
Cheryl Carter, LexisNexis

INTRODUCTIONS

The participants introduced themselves.

OLD BUSINESS

City/County Alcohol Task Force Update

Ms. Beardsley reminded the committee that this task force was initiated as a result of the crash this summer, she said four subcommittees have been formed: Treatment, Taxation, Education, and Law Enforcement and Judicial. She stated that she and Ms. Mann-Lev sit on the Education Subcommittee and have expanded on the DWI prevention activities and broken those into categories addressing adults, parents, youth, etc. Specific recommendations were developed: parents' education, youth education, specifically alcohol.edu, which is a 90-minute online program that can be purchased.

According to Ms. Mann-Lev the cost for all the high schools would be \$20,000, and an additional \$5,000 each to involve the two colleges. She said it is evidence based and involves social norms. Other programs are Life of an Athlete, Envisioning Your Future and Project Success.

Ms. Beardsley said SBIRT (Screening, Brief Intervention, Referral and Treatment) would target high-risk populations and the social norms campaign would educate the public about current DWI laws and penalties.

The Taxation Subcommittee is looking at the local option or increasing the Liquor Excise Tax. Ms. Beardsley was doubtful either of these had a chance of passage because the liquor industry will oppose any additional taxes until all of the taxes currently being paid are turned over to the counties – as they are supposed to be by state statute. Additionally, if the local option is passed there is a possibility that the LDWI monies could be viewed as available resources that could be taken back from the counties and put into the general fund.

The Treatment Subcommittee has identified a lack of providers and funding. They will recommend a medical detox facility, as opposed to the Sobering Center, which is social detox. There are expense and liability concerns, however.

Sgt. McLaughlin said the Law Enforcement Subcommittee has developed three recommendations. The first would support the Governor's crime package which stipulates a mandatory three-day incarceration on the first conviction. Opposition is anticipated because of the increased expense to counties, public defenders, district attorneys, probation officers, compliance monitors and the courts if this becomes an unfunded mandate. Recommendation two involves a second-degree felony recommendation, and the third is a public information campaign to publish reports on arrests, seizures, underage drinking and forfeitures. The task force has been investigating the differences between the City and County ordinances on forfeiture. Additionally, there is some impetus towards rewriting the ordinance to prohibit alcohol on City property. One already exists that prohibits alcohol on County property.

Ms. Beardsley said there will be a follow-up meeting on September 17th at 5:30 pm at the school administration building on Alta Vista and this will be open to the public. Ms. Mann-Lev suggested that a good attendance would show officials we care and intend to hold them accountable.

Ms. Beardsley said many entities have been involved in this process including the hospital, treatment providers, law enforcement, judges, schools, businesses, unions, and pueblos.

In response to questions from Ms. Gomez, Ms. Mann-Lev said it has been publicized and she anticipated there would be streaming video.

[Ms. Mann-Lev excused herself from the meeting.]

Ms. Ortiz assumed the duties of chair.

NEW BUSINESS

US Supreme Court Opinion of Melendez-Diaz

Ms. Bevacqua-Young explained that on June 26, 2009 a decision was rendered regarding the necessity of having live expert testimony at a trial and whether a defendant's right to confront a witness is violated by having recorded testimony. The case in question occurred in Massachusetts.

Normally, everyone involved in the chain of evidence is required to testify at trial, and the defense attorneys are in favor of this. The other issue is having an alternate witness from a scientific lab testify in lieu of a specifically mentioned individual on the witness list.

Ms. Bevacqua-Young stated in New Mexico, Dr. Wong is generally listed as the expert witness on lab findings, but due to lack of personnel it would be convenient to be able to rely on substitutes from the Scientific Lab Division. Use of videos or live feed would also be useful. AOC is saying this is unconstitutional and violates the Confrontation Clause. There is interest in drafting a Notice and Demand Statute which would require a 30-day notice from the defense requesting a specific analyst. The problem is lack of resources, given there are 100 DWI trials going on at one time in New Mexico and only four analysts available to give expert testimony.

Ms. Morris asked if there have been any cases thrown out due to an analyst not being available. Ms. Bevacqua-Young said this has occurred in Gallup. She said California has allowed for substitutions, and New Mexico is using that as a precedent.

Funding Issues (LDWI & Legislative)

Ms. Beardsley stated LDWI funding stems from the Liquor Excise Tax and this runs the DWI programs. She referred to packet pages 8, 9, and 10 that outline the financial distribution. They came out \$17,000 higher than the bottom line figure, although this is \$110,000 less than the original quote. "We worked well within our budget." This year they will be able to apply for any funds above the bottom line budget that were reverted. She said this year \$28,000, or three percent of the budget, was reverted. Usually 8 to 12 percent is reverted.

A grant council meeting was held last week and it was announced that due to available funds, the division can apply for the entire \$28,000. She has completed an application and intends to use it for the Envision Your Future and CADDy programs. She is hopeful of obtaining the money.

Because of the burgeoning deficit, no legislative funds are secure and off limits, according to Ms. Beardsley. Lobbying efforts will be intensive.

ITEMS FROM THE FLOOR

Cheryl Carter from LexisNexis mentioned her daughter was required to go through the alcohol.edu before beginning freshman classes at a university, and she benefited from it.

Lt. Lettenberger stated the seizure program has begun and five vehicles have been seized, one which is likely to be forfeited immediately. There has been a good deal of press on the program.

Ms. Beardsley said the CADDy Program will be running tonight, since it is Zozobra.

Ms. Ortiz announced there will be a Safety Safari from 10 to 1, September 26th at St. Vincent's. She invited everyone to attend.

[Lt. Lettenberger and Ms. Carter left the meeting.]

STAFF REPORTS

Coordinator's Report & Financial Report

Ms. Beardsley distributed a handout with statistics on the demographics on a variety of programs. *[Exhibit 1]* Additionally, there are pictures of community events. She stated the second interim report is out and it shows good results for Santa Fe Magistrate Court. She extracted the Santa Fe statistics, findings and recommendations. *[Exhibit 2]*

Ms. Bevacqua-Young said AOC will be working on revamping the magistrate court J & S's to make them more uniform. For instance, heretofore space has not been provided for listing priors. Ms. Beardsley said standardizing the J & S's has been a priority as has a mandatory 90-day compliance hearing, which increases compliance rates. Additionally, the DMV forms are being revamped, according to Ms. Bevacqua-Young.

Ms. Beardsley said there is a pilot project in San Juan County to look at screening and database issues related to felony offenders adjudicated in District Court. The original intent of the ADE Screening instrument was to help the judge make a sentencing recommendation. Since most offenders are screened after sentencing it is now a tool for gathering demographic statistics.

Ms. Beardsley went over a number of interviews she has had regarding the DWI program, particularly the Erik Estrada PSA's. She announced there would be a big, multi-jurisdictional/multi-agency checkpoint on September 26th involving nine law enforcement agencies.

Regarding staffing, Ms. Beardsley said Ms. Gomez will be going part-time to pursue her education, and the vacancy savings will go into the Envision Your Future program. She said

there have been 28 applicants for the compliance monitor position. Interviews are ongoing and we hope to hire someone soon. Currently two compliance monitors are in charge of 1400 active cases.

Financial Report

The report was is in the packet as an information item.

Prevention

Ms. Gomez spoke of the Envision Your Future program, which will involve a contract with Dr. Patty O’Sullivan for a pilot program at Pinon Elementary School. Faculty will be trained in the eight-part program carried out in ten sessions, culminating in a family day. The program targets sixth graders. EYF is a youth development program that provides tools for planning the future. It has been shown to be effective in keeping kids out of gangs and away from drugs. Students, many of whom come from generational poverty and substance abuse, are shown they can reach their goals.

Ms. Beardsley said they are also planning on doing the Change Your Reality Conference again. This is a two-day conference. Ms. Roybal indicated this year middle school students will be targeted instead of high-school students and youth from the pueblos. It will tentatively be held at Santa Fe Community College. It is currently in the planning stages. Ms. Gomez said the middle schools are an underserved population, and the plan is to use those students as mentors. She added it uses a social norms approach.

Teen Court

Ms. Beardsley noted that the report was included, pointing out she served as a judge, and they continue to be very busy.

ANNOUNCEMENTS

Prevention – as needed for special topics

Law Enforcement/Adjudication – 2nd Wednesday in October, at 2:00

Screening/Treatment – to be called for special topics

Next PC meeting – October 8th 8:30 – 10:30

Ms. Beardsley asked if there were any special topics committee members wanted to be on the next agenda. Sgt. McLaughlin asked about an after-action review. DWI Children’s Court issues will be on the November agenda.

If the special legislative session conflicts, the October meeting may be cancelled.

Ms. Morris asked about the County’s vehicle forfeiture program and Cpl. Ritch said it is underway. Thirty cars have been seized, four are in civil forfeiture, and two have been released due to the innocent owner clause.

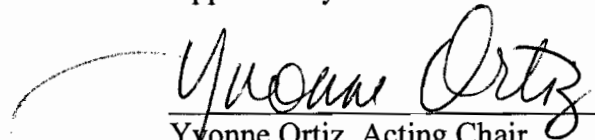
OTHER BUSINESS

None was presented.

ADJOURNMENT

This meeting was declared adjourned at approximately 10:00 a.m.

Approved by:


Yvonne Ortiz, Acting Chair
DWI Planning Council

Submitted by:

Debbie Doyle, Wordswork